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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,534	07/20/2001	Thomas John Eggebraaten	ROC920000315US1	2124
24038	7590	12/13/2004	EXAMINER	
MARTIN & ASSOCIATES, LLC P O BOX 548 CARTHAGE, MO 64836-0548			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 12/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/910,534

Applicant(s)

EGGEBRAATEN ET AL.

Examiner

Yogesh C Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hodson et al. (US 2002/0052806 A1), hereinafter referred to as Hodson.

Regarding claim 1, Hodson discloses an apparatus comprising:

at least one processor, a memory coupled to the at least one processor, an e-commerce application residing in the memory and executed by the at least one processor, and the e-commerce application including: a shopping cart that may contain a plurality of order items; (see at least paragraph 0037, page 3, “*FIG. 2 shows a schematic diagram of an integrated shopping cart system 30 in accordance with the invention. The system 30 may include a first server 31 (website) connected with one or more clients 32 across a wide area network (WAN) 33, such as the Internet, ..... The first server 31 may contain one or more pieces of software code 34 that may be stored on the first server 31 and may be executed by a microprocessor 35 in the first server 31 in order to operate as the*”

Art Unit: 3625

*integrated shopping cart system 30 of the invention. ....". Note: In order to store the software a storing media, such as memory will be inherent in the said server 31);*

at least one previous order residing in the memory, each previous order including at least one order item; and a reorder mechanism that automatically places all order items in a selected previous order in the shopping cart (see at least paragraph 0061, page 6, "*The integrated shopping cart software module 50 may also include a reorder software sub-module 58 for informing the affiliated website server 31n of a request to add a previously ordered product from the affiliated website to the user's current shopping cart order at the first website. The notification information may be transmitted to the affiliated website server 31n according to known communication protocols, such as an HTTPS request transmitted to the affiliated website server 31n.* ". Also see paragraphs 0078, page 7; claims 50-51, page 15 and claims 75-76, page 16).

Regarding claim 2, Hodson discloses that the apparatus of claim 1 wherein the selected previous order comprises the order that was most recently placed by a user of the e-commerce application (see at least paragraph 0061, page 6, "*The integrated shopping cart software module 50 may also include a reorder software sub-module 58 for informing the affiliated website server 31n of a request to add a previously ordered product from the affiliated website to the user's current shopping cart order at the first website. ....* ". Note: Adding previously ordered product includes the most recently placed order. Also see paragraphs 0078, page 7; claims 50-51, page 15 and claims 75-76, page 16)..

Art Unit: 3625

Regarding claim 3, all limitations are already covered and analyzed in claims 1-2 above except for the limitation that the said apparatus includes a default order mechanism. Hodson also teaches the default order mechanism (see at least paragraph 0130, page 12 “ *An integrated shopping cart session may be initiated between the first server 31 and the affiliated website server 31n, for example by activating the session initiation software sub-module 51 of the integrated shopping cart system software module 50. After a session has been initiated, a user may choose to select a custom design item from the affiliated website (Step 141). . . . . For example, the custom design item may include non-printable items where no custom design work is involved in creating the item (i.e., using a default template).* “ **Note: Using a default template to place an order in the shopping cart corresponds to the claimed default order mechanism.** See also paragraphs 29-31, 114-116 and 119.).

Regarding claims 4-5, Hodson discloses that the apparatus of claim 3 wherein the default order is defined by a user defining an order and selecting the order as the default order/selecting at least one order item to add to the default order (see at least paragraphs 114-116, pages 10-11, “ *Upon the user selecting a desired product to design, a list of pre-designed templates may be displayed to the user, from which the user may select a default design template to begin customizing a print design order. A graphical representation of a default design template 95 may be displayed to the user (FIG. 8A) that the user may then customize and modify to create a desired design. It should be noted that a user is not bound to the selected product template. Product layouts may be changed at any time.* “ **Note: Being able to modify or change the selected default design template will include the claimed limitation of at least adding one item to the default order.** Also see paragraphs 29-31, 119 and 130.).

Art Unit: 3625

Regarding claims 6-27, their limitations are closely parallel to the limitations already covered and analyzed in claims 1-5 above and are therefore analyzed and rejected on the basis of same rationale.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Clonts et al. (US 2001/0027423) teaches a system and method for facilitating on-line shopping including a reorder mechanism (see at least paragraph 0027, page 2).

(ii) Spiegel et al. ( US Patent 6,629,079) teaches an online system and method for facilitating on-line shopping including a shopping cart with default mechanism (see at least FIG.3 and col.6, lines 48-58)

(iii) Silverbrook et al. (US 2003/0093335) teaches an online method and system for making purchases including shopping cart mechanism and default mechanism in placing orders (see at least paragraphs 006, “ *an online shopping cart*” and 0571 , “ *The most recent of each is recorded and used as default on any new order*”).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
December 7, 2004